

# United States Court of Appeals For the First Circuit

No. 20-1437

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff - Appellee,

v.

LOUIS NAVELLIER; NAVELLIER & ASSOCIATES, INC.,

Defendants - Appellants.

Before

Torruella, Thompson and Barron,  
Circuit Judges.

## JUDGMENT

Entered: June 15, 2020

Plaintiff-Appellee U.S. Securities & Exchange Commission has filed a motion to dismiss this appeal for lack of jurisdiction. Defendants-Appellants filed an opposition which we have carefully reviewed and considered. The theories of appellate jurisdiction offered by appellants are inapplicable and unpersuasive; as such, this interlocutory appeal must be dismissed. See U.S. Fidelity & Guar. Co. v. Arch Ins. Co., 578 F.3d 45, 55 (1st Cir. 2009) (burden of establishing appellate jurisdiction rests with party invoking it); Watchtower Bible & Tract Soc. of New York, Inc. v. Colombani, 712 F.3d 6, 12 (1st Cir. 2013) (appellate jurisdiction general principles); see also 28 U.S.C. §§ 1291, 1292.

We note that the parties report that during the pendency of this interlocutory appeal, the district court has issued final judgment and the appellants have filed a notice of appeal from the same.

The motion to dismiss the instant appeal for lack of jurisdiction is ALLOWED.

By the Court:

Maria R. Hamilton, Clerk

cc:

Jennifer A. Cardello  
Robert Bradley Baker  
William J. Donahue  
Paul Gerard Alvarez  
Marc Jonathan Jones  
Rachel McKenzie  
Steven Joel Brooks  
Samuel Kornhauser